

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 524 OF 2016
IN
CRIMINAL APPEAL NO. 287 OF 2016

Sagar Ramchandra ShingeApplicant

V/s.

The State of MaharashtraRespondent

Ms. Shubhada D. Khot Advocate for Applicant.

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : APRIL 18, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant. Applicant herein is convicted for offence punishable under section 7 of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 6 months and fine of Rs. 10,000/- in default to suffer simple imprisonment for 3 months, he is also convicted for offence punishable under section 13 (1) (d) r/w Section 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year and fine of Rs. 10,000/- in default to suffer simple imprisonment for three months by Special Judge, Kolhapur vide Judgment

ism

and Order dated 19/03/2016 in Special Case No. 9 of 2014.

2) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial and has not committed breach of any conditions imposed upon him, hence, he is entitled to the extension of same relief during the pendency of appeal. The sentence imposed upon applicant is a short term sentence and it is not likely that the appeal would be taken up for final hearing in the near future. In view of this, applicant deserves to be enlarged on bail during the pendency of appeal.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on bail, same bail, fresh bonds.
- (iii) Applicant shall furnish bail bonds before Special Court Kolhapur within 3 weeks from today. Upon failure to furnish fresh bonds within the stipulated time, learned Special Judge shall issue non-bailable warrant against applicant calling upon him to serve the substantive sentence.
- (iv) Applicant shall attend the Special Court, Kolhapur once in six months on the date specified by the Special Court, till the decision of the appeal.

- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- 3) Suspension of substantive sentence shall not be construed as a suspension of conviction.
- 4) Application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)